



U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Governmental, International and Public Affairs
Washington, D.C.

Enforcement Notice

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Pipeline and Hazardous Materials Safety Administration April 2006 Notice of Hazardous Materials Regulations Enforcement

The Pipeline and Hazardous Materials Safety Administration (PHMSA) today gave notice to the regulated industry and its stakeholders of the 21 hazardous materials civil penalty cases it closed in the month of January 2006 for violations of the Hazardous Materials Regulations (HMR) (49 Code of Federal Regulations Parts 171 – 180). For calendar year 2006, PHMSA has closed a total of 21 hazardous materials civil penalty cases and collected \$125,353 in penalties.

It is the task of PHMSA's inspection and enforcement staff to improve compliance with the safety and training standards of the HMR by inspecting companies and individuals who offer hazardous materials for transportation or who manufacture, maintain, repair, recondition or test packages authorized for transporting hazardous materials.

Company	SUMMARY	Penalty
Aeriform Corporation Coffeyville, KS (Cylinder Retester)	Failed to verify the accuracy of the test equipment to within one percent of the calibrated cylinder's test pressure and corresponding expansion values and failed to calibrate the test equipment at a pressure within 500 psig of actual test pressures; failed to maintain complete and accurate records of cylinder re-qualification, and failed to maintain copies of applicable CGA pamphlets at its facility; failed to provide function-specific employee training. [180.205(g)(4), 180.205(g)(3), 180.215(a)(6), 180.215(b)(1) and (b)(2), 172.702(a)(b) and (d), and 172.704(a)(2)] Case number 05-0413-CR-SW	\$6,090
Arrow Box Company of Joplin Joplin, MO (Box Manufacturer)	Manufactured, marked, certified, and sold combination packaging as meeting the UN4G standard, when design qualification testing was not conducted. [178.601(l), 178.601(e), and 178.601(d)] Case number 04-146-BM-CE	\$11,750

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Atomic Inspection Labs Albuquerque, NM (Shipper)	Offered and transported radioactive material, special form, n.o.s., 7, in Type B(U) packaging that failed to comply with 10 C.F.R. Part 71 and was not approved by the NRC; offered and transported radioactive materials, special form, 7, in Type B(U) packaging without being registered with the NRC for package certificates 9269, 9296, and 9283, and in packages that were not marked with the proper package identification number; failed to perform required quality control checks; failed to create and maintain employee training records. [173.471, 173.416(a), 173.475, and 172.704(d)] Case number 03-202-RMS-SW	\$8,000
Best-Rite Manufacturing Temple, TX (Shipper)	Failed to develop and adhere to a security plan; failed to provide employee training, including security awareness training; failed to register with RSPA/PHMSA. [172.802(a) and (b), 172.704(a), 172.800(b), 107.608(b), 107.601(a)(6), and 172.702(b)] Case number 05-0520-SD-SW	\$6,295
Capitol Transportation, Inc. Puerto Nuevo, PR (Shipper)	Offered vehicle, flammable gas powered, 9, by vessel with the ignition key in the ignition; offered vehicle, flammable gas powered, 9, for transportation by vessel with the fuel tank more than one fourth full; offered vehicle, flammable gas powered, 9, in a closed freight container by vessel without affixing the required warning to the container's access doors. [176.905(a)(6), 176.905(a)(2), and 176.905(a)(5)] Case number 04-539-SA-SW	\$7,470
Carbone of America, Ltd. St. Marys, PA (Shipper)	Failed to develop and adhere to a security plan; offered alcohols, flammable, toxic, n.o.s. (containing denatured alcohol and phenolic varnish), 3 (6.1), accompanied by a shipping paper that failed to include the proper shipping name and subsidiary hazard class; failed to provide general awareness, function-specific, safety, and security awareness training. [172.802, 172.800(b)(7), 172.202(a)(1) and (2), 172.702(b), 172.704(a)(1)-(4), and 172.200(a)] Case number 05-0320-SD-EA	\$4,800

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Eagle Bridges Company, Inc. Byron, GA (Shipper)	Failed to develop and adhere to a security plan; failed to provide recurrent employee training, including security awareness training. [172.802(b), 172.704(a)(1)-(4), 172.702(b), 172.704(c)(2), and 172.800(b)(7)] Case number 05-0357-SD-SO	\$4,200
Expro Technologies, Inc. St. Timothee, Quebec, Canada (Shipper)	Offered powder, smokeless, 1.3C, into and within the U.S. when it had not been reclassified and approved by the AAHMS. [173.62, 173.56, 172.54(a), and 173.51(a)] Case number 03-014-SE-HQ	\$7,000
Ferrellgas Heber Springs, AR (Shipper)	Offered liquefied petroleum gas, 2.1 in used storage containers designed for permanent installation that were charged to more than 5% of their water capacity when offered. [173.315(j)(4)] Case number 03-221-CC-SW	\$10,533
ITEC Corporation LaPlace, LA (Shipper)	Failed to develop and adhere to a security plan. [172.800(b)] Case number 05-0150-SBD-SW	\$1,000
MOC Oklahoma City, OK (Shipper)	Failed to provide general awareness, function-specific, and security awareness training; offered hazardous materials accompanied by a shipping paper that failed to include a shipper's certification; failed to develop and adhere to a security plan; offered compounds, cleaning liquid (potassium hydroxide), 8, in an unauthorized non-UN standard packaging. [172.704(a)(1),(2) and (4), 172.702(b), 172.204(a), 172.802(b), 172.800(b), 173.203(a), 173.24(c), and 173.22(a)(2)] Case number 04-762-SD-SW	\$3,500
Newman Industrial Supply, Inc. Anniston, AL (Shipper)	Failed to develop and adhere to a security plan; failed to register with RSPA/PHMSA; offered corrosive liquid, n.o.s. (ethanolamine 2-aminoethanol) 8, accompanied by a shipping paper that did not include the proper shipping name, hazard class, UN identification number, packing group, and total quantity of hazardous material; failed to provide recurrent general awareness, function-specific, and safety training, or create and retain records of training testing. [172.202(a)(1)-(4), 172.704(c)(2), 172.704(a)(1)-(4), 172.702(b), 172.704(d), 172.202(c), 172.800(b)(7), 107.612, 173.22(a)(1), 107.608(b), and 172.802(b)] Case number 05-0399-SD-SO	\$7,415

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PSS World Medical, Inc. d/b/a Physician's Sales & Service, Inc. Memphis, TN (Shipper)	Offered ethyl chloride, 2.1, and ethyl alcohol, 3, in unauthorized, non-UN standard fiberboard packaging; offered liquefied gas, n.o.s. (containing dimethylether/propane and isobutane), 2.1, under authority of exemption DOT-E 12178, while not complying with exemption package marking requirements; failed to mark orientation arrows on two opposing sides of the package. [173.322(a), 173.202(a), 173.22(a)(2), 173.22a(a), 173.312(a), and DOT-E 12178 para. 7(b)(6)] Case number 05-0317-SB-SO	\$8,360
Pecora Corporation Harleysville, PA (Shipper)	Failed to develop and adhere to a security plan, and failed to provide in-depth security training; offered waste n-butyl isocyanate, 6.1, (3), PG I, Toxic-Inhalation Hazard, Zone B, accompanied by a shipping paper that did not indicate "Toxic-Inhalation Hazard, Zone B"; offered resin solution, 3, as a limited quantity accompanied by a shipping paper that did not indicate "Limited Quantity" or "Ltd. Qty". [172.203(b), 172.315, 172.200(a), 172.203(m), 172.704(a)(5), 172.800, 172.802, and DOT-E 9168 para. 7c] Case number 05-0181-SB-EA	\$3,360
Perk Products & Chemical Company, Inc. Nashville, TN (Shipper)	Failed to develop and adhere to a security plan, and failed to provide security training; failed to provide general awareness, function-specific, and safety training, or create and retain records of training testing; failed to close UN packaging in accordance with the manufacturer's closure notification. [172.802(a), 172.800(b), 172.704(a)(1)-(5), 172.704(d), 172.702(b), 173.24(f)(2), and 173.22(a)(4)] Case number 05-0142-SD-SO	\$5,600
River Services, Incorporated Thunderbolt, GA (Cylinder Retester)	Failed to condemn a cylinder having excessive permanent expansion, and failed to maintain accurate records of cylinder re-qualification. [180.215(b)(2) and 180.205(i)(1)(iv)] Case number 05-0488-CR-SO	\$9,745
Royal Custom Products, Inc. Dallas, TX (Shipper)	Failed to develop and adhere to a security plan. [172.800(b) and 172.802(a) and (b)] Case number 05-0530-SD-SW	\$3,825

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Sea The World Scuba Center Farmington Hills, MI (Cylinder Retester)	Failed to verify the accuracy of the test equipment to within one percent of the calibrated cylinder's test pressure and corresponding expansion values and failed to calibrate the test equipment at a pressure within 500 psig of actual test pressures; failed to maintain complete records of cylinder re-qualification. [180.205(g)(3)(i) and (ii), and 180.215(a) and (b)] Case number 05-0548-CR-CE	\$6,560
Zinifex Clarksville, Inc. Clarksville, TN (Shipper)	Failed to develop and adhere to a security plan; offered environmentally hazardous substance, solid n.o.s. (lead), 9, in packages that were not marked with the proper shipping name and UN identification number for the material. [172.800(b), 172.802(b), and 172.301(a)(1)] Case number 05-0484-SD-SO	\$3,600

Total number of cases - 21
Total civil penalties - \$125,353

Hazardous Materials Initiatives and Training:

PHMSA uses a number of tools in meeting its goal to improve hazardous materials safety. Enforcement is but one useful safety tool and training is another. The PHMSA Office of Hazardous Materials Initiatives and Training (OHMIT) provide products and programs that aid the regulated industry's compliance with the HMR. Last year, the PHMSA Hazmat Safety Assistance Team reached over 13,000 individuals in the hazmat community, provided over 330 hazmat awareness presentations, and distributed over 40,000 standard information packets. During that period, the OHMIT program included Multimodal Hazardous Materials Transportation Training Seminars that were held throughout the United States; and had over 1000 participants in attendance at the seminars. This year Multimodal Hazardous Materials Transportation Training Seminars were held in Dallas, TX, and Seattle WA and drew nearly 600 participants. Future FY06 Multimodal Hazardous Materials Transportation Training Seminars are scheduled for Newark, NJ, May 16-17, 2006; and Chicago, IL, August 22-23, 2006. Also, six new Hazardous Materials Transportation Workshops have been held this fiscal year with over 600 participants in attendance. Five additional workshops are scheduled in various locations throughout the United States this year. For more information on hazardous materials seminars and one day workshops, go to the PHMSA hazardous materials web site at <http://hazmat.dot.gov/training/training.htm>.

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